

FORM SUMMARY

Name of Form:	Petition for Judgment Against Juvenile/Parent for Unpaid Restitution
Form Number:	JD-1759
Statutory Reference:	§895.035(2m), Wisconsin Statutes
Benchbook Reference:	JV 9-41
Purpose of Form:	To request that unpaid restitution be converted into a money judgment. Used by a victim, insurer, or representative of the public interest.
Who Completes It:	The party seeking to convert the restitution into a money judgment.
Distribution of Form:	Original is filed with the court; copies provided to the juvenile/juvenile's parents.
Accompanying Forms:	Generally none.
New Form/Modification:	Modification, last update 7/96.
Modifications:	Added a statement on the bottom indicating that the form shall not be modified. In #3, added 2 checkbox choices to indicate, if applicable, that the custodial parent has failed to pay restitution or it appears likely that the custodial parent will not pay restitution.
Comments:	<p>Unpaid restitution can be converted into a money judgment against the juvenile or the juvenile's custodial parent.</p> <p>The petition can be filed by the victim, the victim's insurer, a representative of the public interest, or the agency supervising the juvenile.</p> <p>The court is required to hold a hearing on the matter.</p> <p>The petition can be filed if:</p> <ul style="list-style-type: none">• the juvenile fails to pay restitution; or• it appears likely that the juvenile will not pay restitution as ordered or agreed to. <p>Presumably a petition could be filed immediately after disposition if the petitioner believes there is proof that it appears likely that the juvenile will not pay the restitution.</p>

A judgment is in favor of the victim or the victim's insurer, or both, and entry of such a judgment does not foreclose the victim or insurer from commencing another action seeking additional compensation if the total actual restitution is greater than the amount ordered by the court.

There is no restitution disposition against a child in chapter 48 CHIPS matters. Therefore, even though §895.035(2m) refers to "child" (which usually denotes a ch. 48 matter), RMC determined that the proper term for use in the form is "juvenile."

About this form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.